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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL ALEXANDER HODGE,

Defendant.

Case No. 2:23-mj-01066-DJA

**ORDER to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public Defender and Benjamin F. Nemec, Assistant Federal Public Defender, counsel for Paul Alexander Hodge, ("Hodge"), that the Court vacate the preliminary hearing scheduled for December 28, 2023, at 4:00 p.m. and reschedule the hearing for a date and time convenient to this Court, but no sooner than 60 days from the current date. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 21 days of a released defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

1 This stipulation is entered into for the following reasons:

2 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
3 preliminary hearing within a reasonable time, but . . . no later than 21 days [after the initial
4 appearance] if [the defendant is] not in custody”

5 2. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
6 showing of good cause—taking into account the public interest in the prompt disposition of
7 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
8 times”

9 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
10 information or indictment charging an individual with the commission of an offense shall
11 be filed within thirty days from the date on which such individual was arrested or served
12 with a summons in connection with such charges.”

13 4. Defendant needs additional time to review the discovery and investigate
14 potential defenses to prepare for the preliminary hearing.

15 5. Moreover, the parties have agreed to try to negotiate a global resolution to
16 include the revocation violations¹ and the fraud matter in an attempt to promptly resolve
17 these cases and reduce the judicial and government resources required by this case. The
18 defense requires additional time to adequately advise Hodge regarding any plea
19 negotiations.
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22 ¹ On or about December 13, 2023, a petition seeking to revoke Hodge’s supervised release
23 was filed and a summons issued setting a revocation hearing date of January 2, 2024 at 2:30
24 pm in case number 2:21-CR-00200-RFB-VCF. On or about December 14, 2023, a petition
seeking to revoke Hodge’s supervised release was filed and a summons issued setting an
initial appearance on December 28, 2023 at 2:30 p.m. in case number 2:21-cr-93-KJD-
BNW. The parties intend to seek a 60-day continuance of the revocation hearing dates also.

1 6. The additional time requested herein is not sought for the purposes of delay,
2 but to allow counsel for Defendant sufficient time to effectively and thoroughly research and
3 prepare and to determine whether to proceed with a preliminary hearing and indictment or
4 to resolve this case through negotiations.

5 7. Accordingly, the parties jointly request that the Court schedule the
6 preliminary hearing in this case no sooner than 60 days from the currently scheduled date.

7 8. Defendant is out of federal custody, agrees to the extension of the 21-day
8 deadline imposed by Rule 5.1(c) and the 30-day deadline imposed by 18 U.S.C. § 3161(b),
9 and waives any right to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), provided that an
10 information or indictment is filed on or before the preliminary hearing date ordered
11 pursuant to this stipulation.

12 9. The parties agree to the extension of these deadlines.

13 10. Accordingly, the additional time requested by this stipulation is (a) allowed
14 under Federal Rule of Criminal Procedure 5.1(d); and (b) excludable in computing the time
15 within which the defendant must be indicted and the trial herein must commence pursuant
16 to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18
17 U.S.C. § 3161(h)(7)(B)(i) and (iv).

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Respectfully submitted,

JASON M. FRIERSON
United States Attorney

/s/ Kimberly M. Frayn

By_____

KIMBERLY M. FRAYN
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 PAUL ALEXANDER HODGE,

7 Defendant.

Case No. 2:23-mj-01066-DJA

**Order on Stipulation to
Continue Preliminary Hearing and
Deadline to Indict Defendant**

8 Based on the stipulation of counsel, good cause appearing, and the best interest of
9 justice being served; the time requested by this stipulation being excludable in computing
10 the time within which the defendant must be indicted and the trial herein must commence
11 pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of
12 Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

13 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled
14 for December 28, 2023 at the hour of 4:00 p.m., be vacated and continued to
15 March 4, 2024, at 4:00 p.m., Courtroom 3A.

16 20th
17 DATED this ____ day of December, 2023.



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19 HONORABLE DANIEL J. ALBREGTS
20 UNITED STATES MAGISTRATE JUDGE
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